

CITY COUNCIL REPORT



MEETING DATE: October 18, 2005

ITEM NO. 7

GOAL: Coordinate Planning to Balance Infrastructure

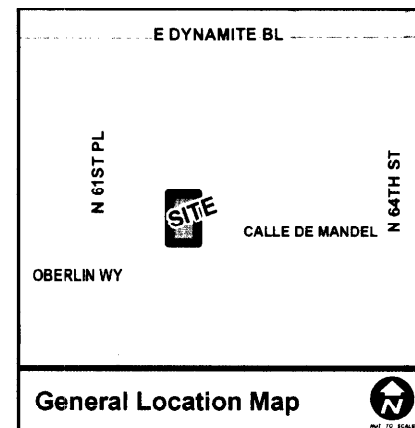
SUBJECT Six Residence - 5-HE-2005

REQUEST Request to approve an Environmentally Sensitive Lands Ordinance (ESLO) Hardship Exemption from the 15 foot wall setback requirement located at 6200 E Calle De Mandel.

OWNER Melanie & Ron Six

APPLICANT CONTACT Andy Jochums
Beus Gilbert PLLC
480-429-3000

LOCATION 6200 E Calle De Mandel, southwest of the southwest corner of Dynamite Boulevard and 64th Street



BACKGROUND

Zoning.

The site is zoned R1-43 ESL FO (Single Family Residential) District. The R1-43 ESL district permits single-family residences on parcels of 43,000 square feet or greater. The Environmentally Sensitive Lands (ESL) designation has provisions to maintain and protect the natural desert including the designation of NAOS areas while the Foothills Overlay (FO) has policies to promote the rural desert and equestrian character of this area. The current version of ESLO provides that site walls be setback 15 feet from side and rear property lines in order to facilitate drainage and wildlife habitat and movement between developed portions of lots. With two adjoining parcels each providing 15-foot property line setbacks for walls, a 30-foot wide open space would result.

General Plan.

The General Plan Land Use Element category for this property is Rural Neighborhoods and includes residential lots of the same size as this site and surrounding properties and supports the R1-43 zoning.

Context.

The site is located on E Calle de Mandel, which is southwest of the southwest corner of Dynamite Boulevard and 64th Street. The surrounding property is zoned R1-43ESL on each side of the site.

**ORDINANCE
REQUIREMENTS**

Section 6.1071.A.3.d.4 states that walls shall be set back from the property line a minimum of fifteen (15) feet from a side and rear property line of single family residential parcels containing 35,000 square feet or greater.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The purpose of the request is to obtain a Hardship Exemption pursuant to Section 6.1022.D. of the ESL Ordinance based on the circumstances of the site and difficulties in developing this site due to existing development.

Applicant's Request.

The applicant is requesting a Hardship Exemption of the 15 foot site wall setback requirement along a part of the east side of the site. The proposed wall will be stepped and have setbacks of 5, 10 and the ESLO required 15 feet from the east property line, and provide the full required 15 foot setback on the rear and west sides of the property. The applicant indicates the setback reduction is necessary to develop, a usable, enclosed rear and side yard. In order to provide some privacy and security for their children, they wish to construct a fence in the rear and eastern side of the property.

The request is based on existing site constraints including the location of a wash and existing NAOS dedication, which exceeds 10,000 square feet in area, both of which are located at the northwest portion of the lot. These constraints, as well as the placement of the existing residence which was permitted in 2001, 60 feet back from the front property line rather than the minimum 40 feet allowed by the Ordinance, further reduces the usable area in the rear yard. Rather than reallocating the NAOS into the side yard, in order to provide additional usable area in the rear yard, the applicant wishes to retain the NAOS and native landscaping, in its current location.

The NAOS in its current location appears to protect the most significant natural features on the property. Due to the location of the current NAOS and a small wash running along the NAOS, re-allocation of the NAOS into the required side yard setback would not help the usability of the property. In order to preserve the existing NAOS and provide a usable enclosed rear and side yard, a wall setback reduction to five (5) feet from the property line along to a portion of the east side of the site is requested. The applicant intends to step the wall back in 2 stages to meet the required fifteen (15) foot setback on the remaining portion of the eastern property line.

Key Issues.

- The request is for a Hardship Exemption for the location of a site wall to accommodate a usable enclosed rear and side yard while preserving the existing NAOS.
- NAOS has been located on the lot to protect the most environmentally sensitive features.
- The area of the proposed wall location has been previously graded.

Setting the wall back would not result in preservation of natural desert.

- The site is within the Foothills Overlay (FO) and generally conforms to provisions of that Ordinance.
- No objections have been received from neighbors.

Community Impact.

No significant impact is anticipated to result from this request for Hardship Exemption. The lot has begun to develop under the prior version of ESL and construction has occurred recognizing the primary environmental feature, a wash corridor along the northwest corner of the site. With dedication of NAOS along the wash, and prior dedication of NAOS areas on the adjoining lots to the west and southwest of the site, adequate areas for drainage and wildlife habitat and movement are provided in this area. Major native landscape areas are provided in the wash, while the wall location area has been previously disturbed.

IMPACT ANALYSIS**Development Information.**

The location of the house on the lot, and the size and configuration of NAOS dedication contribute to limitations on available rear yard area. This lot's side yard abuts the rear yard of the adjacent undeveloped property. When that property develops, a 15 feet wall setback will be required resulting in a total of 20 feet between lot walls for the portion of the property for which this hardship exemption is being requested.

Open space, scenic corridors.

With the issuance of a building permit for a home on the lot, a total of 10,750 square feet (25%) of NAOS has been provided on the lot. This NAOS area links to other NAOS area situated west and southwest of the site. The NAOS is located at the northwest corner of the site and includes a wash area. No scenic corridors or trails are located on the site.

Policy Implications.

The intent and purpose of the ESL Ordinance will be maintained through the prior dedication of NAOS areas on the site and recognition of drainage, wildlife and native vegetation protection. Approval of the request maintains a functional open space corridor between properties and provides flexibility in site design without impacting the principles of ESL or adversely impacting the adjoining property.

Community Involvement.

A Neighborhood Involvement Report has been completed by the applicant who has sent notices of the request to 13 property owners within approximately 300 feet of the site. The applicant received 2 letters of support from property owners. Staff has not received any letters or phone calls regarding this request. (See Neighborhood Involvement, Attachment #6.)

FINDINGS**1. Demonstrated Substantial Hardship that would reduce the ability to use the parcel(s):**

The applicants indicate the house was built in 2001, prior to the

current version of ESL coming into effect. The approximate 1-acre site contains a wash and corresponding triangular shaped NAOS area at the northwest corner of the site. The house also has a larger than required setback from the south boundary of 60 feet, vs. 40 feet required. Due to the wash, existing NAOS dedication and increased house setback, limited opportunities exist to create a usable side yard other than that which is proposed. Re-allocation of the NAOS into the side yard is not a viable option, and preservation of the east side yard setback would appear to penalize the property owner for preserving the most significant environmental features on the parcel.

2. The requested exemption is consistent with the intent and purpose of the ESL Ordinance:

The applicants support the principle of protection of environmentally sensitive lands contained in the Ordinance and as such have preserved the required 25% NAOS in the most appropriate part of their property. However, due to the difficulty in providing a usable enclosed rear yard, a request for a reduction in property line wall setback is requested. In order to compromise and support the ESL Ordinance's purpose and goals, the property owner is asking for the minimum amount of reduction needed to permit a usable rear yard while still exhibiting partially complying on the east side and full compliance on the rear and west side, with the requirement of not locating the wall along the property line.

3. The application of the new ESLO standards does not achieve significant benefit for protection of the environment and community:

The applicant indicates that the most sensitive and natural area of the site, the wash corridor located at the northwest corner of the site has already been dedicated as NAOS and provides ample area for drainage, and wildlife habitat and movement. The subject area where the wall is proposed has already been heavily disturbed and will not create a significant benefit for protection of natural areas. The applicant indicates that only the least amount is being requested for the hardship exemption to accommodate the proposed yard, while conformance to ESL provisions is met on all other areas of the property.

4. The requested exemption is in conformance with a previously adopted version of the ESL Ordinance:

The applicant notes that the proposed wall setback conforms to the previous versions of ESL but has only come into non-compliance with the regulations under the most recent version adopted in May 2004.

**STAFF
RECOMMENDATION**

Staff recommends approval.

Randy Grant
Chief Planning Officer
480-312-7995
rgrant@ScottsdaleAZ.gov

Ed Gawf
Deputy City Manager

10/4/03
Date

1. Project Narrative
2. Justification for Exemption
3. Context Aerial
- 3A. Aerial Close-up
4. Land Use Map
5. Zoning Map
6. Neighborhood Involvement
7. City Notification Map
8. Photographs
9. Proposed Site Plan



ESLO Hardship Exemption

Application Submittal Requirements

Project Description / Exemption Details

Case Numbers: _____ - PA - _____ / S - HE - 2005

Project Name: Row Six Residence

Location: 6200 Calle de Mandel

Property Details:

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial

Use: RESIDENTIAL

Zoning: _____

Number of Buildings: 1

Height: _____

Setbacks: N - 146' S - 60' E - 20' W - 64'

Description of Request:

Project Narrative: DUE TO THE LOCATION OF THE HOUSE, WHICH WAS
CONSTRUCTED IN 2001, THE EXISTING NAOS, AND NATURAL
TOPOGRAPHY ON THE PARCEL, A USABLE REAR SIDE YARD
IS NOT POSSIBLE WHILE COMPLYING WITH THE 2004 ESLO.
MODIFICATION OF THE EXISTING NAOS TO FREE UP REAR YARD
LAND WOULD NOT BENEFIT THE OWNER DUE TO NATURAL
SITE CONDITIONS, AND WOULD BE INCONSISTANT WITH THE
GOALS OF THE ESLO.

Relevant section of the ESL Ordinance: SEC 6.1079-1-4

The ESL Ordinance requires: THAT ALL INDIVIDUAL LOT WALLS BE
SETBACK 15' FROM SIDE OR REAR PROPERTY LINES.

Request: TO ALLOW A WALL ON THE EAST SIDE OF THE HOUSE
WITH NO LESS THAN A 5' SETBACK

Amount of variance: 5' TO 10' ON THE EAST SIDE, NONE ON THE WEST SIDE
AND REAR.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

ESLO Hardship Exemption

6200 E. Calle de Mandel

Submitted by: Beus Gilbert, PLLC
4800 N Scottsdale Rd.
Suite 6000
Scottsdale, AZ 85251

Submitted for: Ron and Melanie Six

The City Council may authorize an ESLO Hardship Exemption if all the following criteria are met.

1. Demonstrated Substantial Hardship that would reduce the ability to use the parcel(s):

The existing residence on the subject property was permitted and constructed in 2001. At the time of construction, the residence was placed in conformance with the ESLO adopted at the time of construction. The subject parcel is impacted by a small wash running in a northeast to southwest direction in the northern half of the parcel. With this unique constraint on the property, the land on the north side of the wash was designated as NAOS. In order to locate the residence the furthest away from the NAOS and the wash, it was placed at the minimum required 20' side setback of the eastern property line. At the time the home was constructed, there was no setback requirement for walls and although one could have been built on the property line, no walls or fences were installed at that time.

Due to the residence being located at the minimum required 20' side setback, requiring the property owner to maintain a 15' fence setback, the eastern side yard of the property becomes unusable. Due to the unique siting of the residence, and the fact that a fence was not constructed in 2001 when the home was constructed, the current version of the ESLO, with its 15' fence setback, reduces the ability of the property owners to use their parcel.

Should the house have been constructed today under the current ESLO, it would have been sited differently. Consistent with common practice, the NAOS would be dedicated inside the required 15' fence setback and in a small portion of the rear yard, often forming a "U" shape. Pursuant to the current codes, the property owners could re-allocate their NAOS into the required 15' side setbacks, which equals approximately 3,500 square feet, and free up that same amount of land in the rear yard. Given the topography of the parcel however, the NAOS is provided where it serves the greatest purpose and should remain there. The currently designated NAOS preserves a large tract of land in the rear of the lot, which is isolated from the home due to a natural wash. Due to the wash's location, it provides a natural barrier to the use of the remainder of the property. It is for this reason that the NAOS is placed where it currently exists, and re-allocation of the NAOS would not provide the property owners with any more usable land.

Section 6.1060.F.3 of the 2004 ESLO states that location of the NAOS should emphasize the preservation of natural watercourses, the most significant natural features,

and provide continuity of open spaces, and in no event shall the provisions of the code require a greater area of NAOS than 25%.

Due to the unique topography of the parcel, the most significant natural features of the property are preserved. Strict enforcement of the 15' setback requirement in the current 2004 ESL Ordinance would require the property owners to set aside an additional 10% of their property. This would essentially require 35% of the site to be preserved as open space, and require that the property owners lose the use and benefit of a significant portion of their property.

As the house was sited prior to the 2004 edition of the ESL Ordinance, and given the current terrain constraints on the subject property, the restrictions in the current version of the ESL Ordinance would appear to unduly restrict the owners from using their property, and penalize them for providing a NAOS easement in the most logical and beneficial location.

2. The requested exemption is consistent with the intent and purpose of the ESL Ordinance:

The 2004 ESL Ordinance includes twelve paragraphs which list out the purpose of that Ordinance, but generally the intent is to identify and protect environmentally sensitive lands. One specific purpose statement states the following: "Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's economic goals". In lieu of asking for a complete hardship exemption, from not being able to place walls within 15' of a side property line, the property owners are asking for a reduction of that requirement on the east side of the property only. The west side and rear walls, will be placed 15' or farther away from the property lines in accordance with the 2004 ESL Ordinance. On the eastern side of the property, the owners are proposing a wall that will step back from a 5' setback to the full 15' setback at its northern most point. This will allow the property owners to enclose their rear yard to provide a safe environment for their children, while still being consistent with the intent and purpose of the ESL Ordinance, contained within those 12 paragraphs located in section 6.1011. Approval of the hardship exemption will allow the property owner's reasonable use of their rear and side yards, while protecting the most appropriate environmentally sensitive lands.

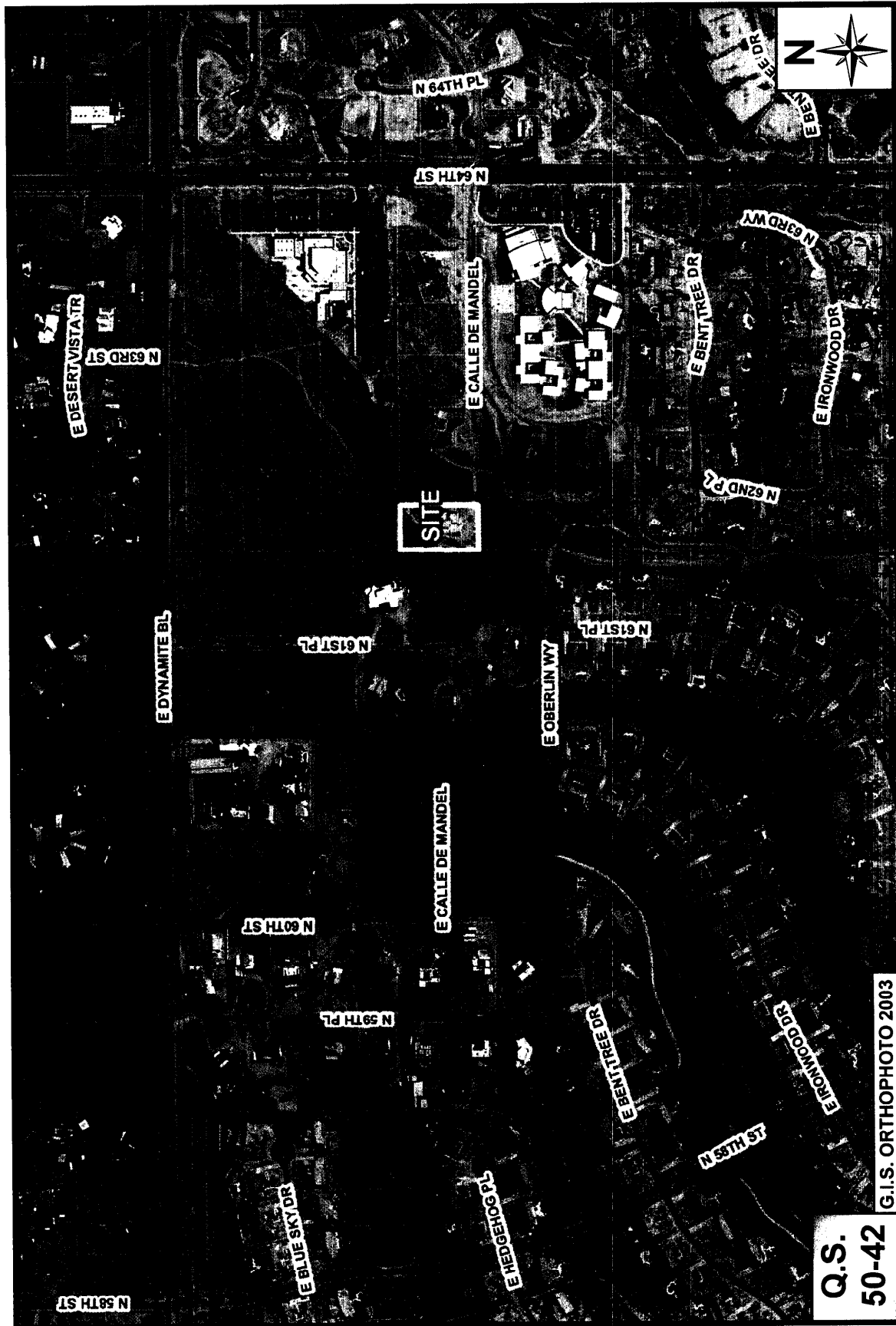
3. The application of the new ESLO standards does not achieve significant benefit for protection of the environment and community:

Currently the subject parcel has a 10,750 square foot NAOS on the northwest portion of the site. This NAOS links to large NAOS tracts on the adjacent parcels to the west and southwest. The eastern edge of the subject property, which is the subject of this request for a hardship exemption, has previously been heavily disturbed and is not in a natural state. If strict compliance with the 2004 ESL Ordinance is adhered to, it will create a 15' wide no-mans-land, which would not be a significant natural and visual resource worth preserving and would not assist in retaining the visual character of the

natural landscape. These two goals of the ESL Ordinance, as well as the goal to maintain open spaces and view corridors, is being accomplished in a more effective situation, on the west side of the subject property, with the existing large NAOS easements both on and off the subject parcel. The property owner does not wish to receive a hardship exemption on this west side of their property, so the full 15' setback requirements will be adhered to within these areas in full support of the goals and purpose of the ESL Ordinance. Retaining a 15' setback on the eastern property line, to preserve a corridor showcasing disturbed land would not appear to be a significant benefit to the community and environment.

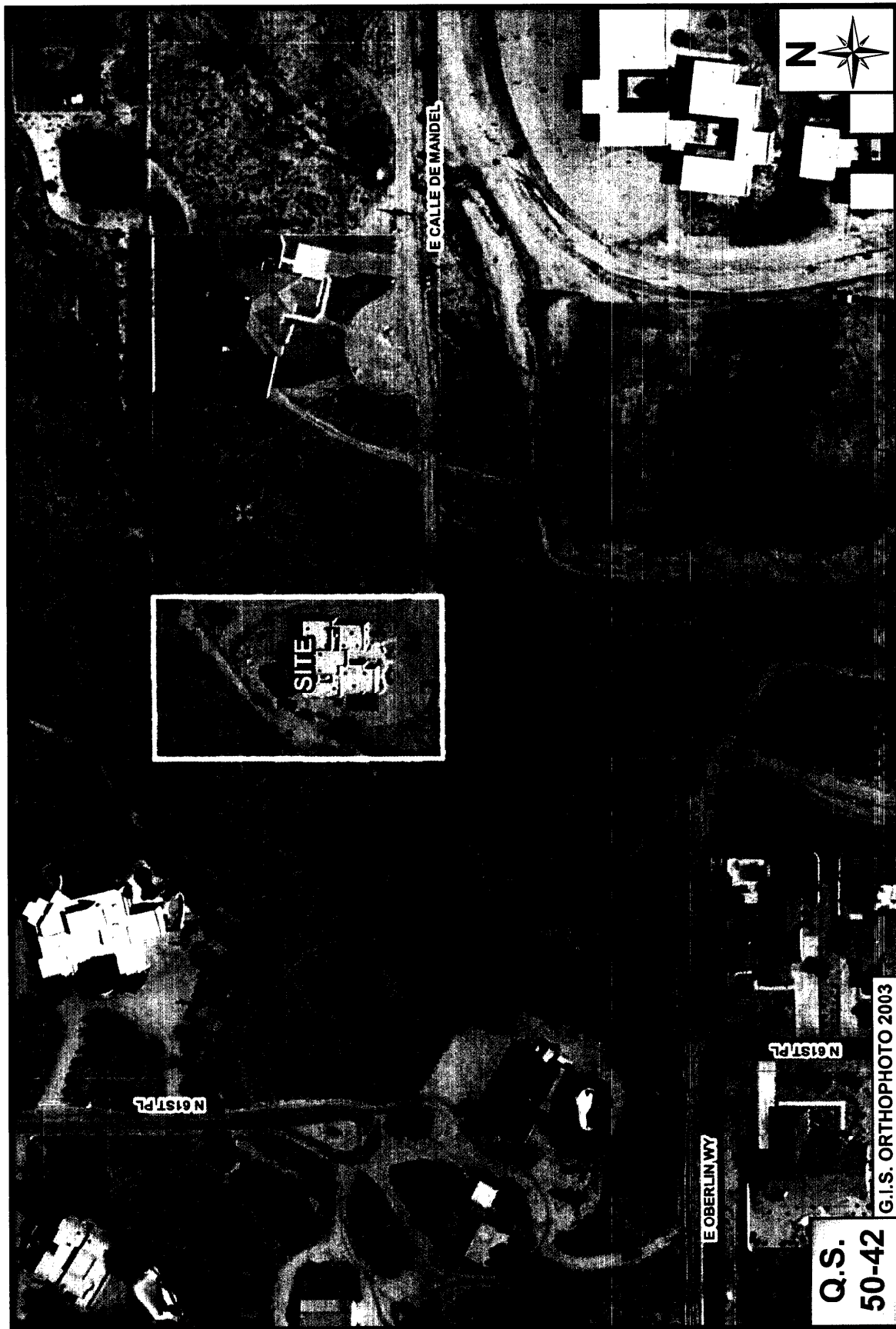
4. The requested exemption is in conformance with a previously adopted version of the ESL Ordinance:

If this exemption were to be approved, the property would still be in conformance with the 2003 version of the ESL Ordinance. In fact the property owner is proposing a compromise that will place the property in full compliance with the current ESL, on all areas of the property with the exception of the eastern property line, which as stated, would be in compliance with the previously adopted version.



5-HE-2005

Six Residence

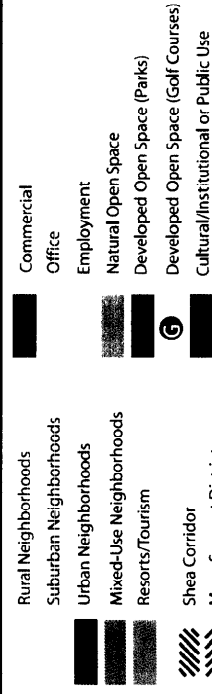
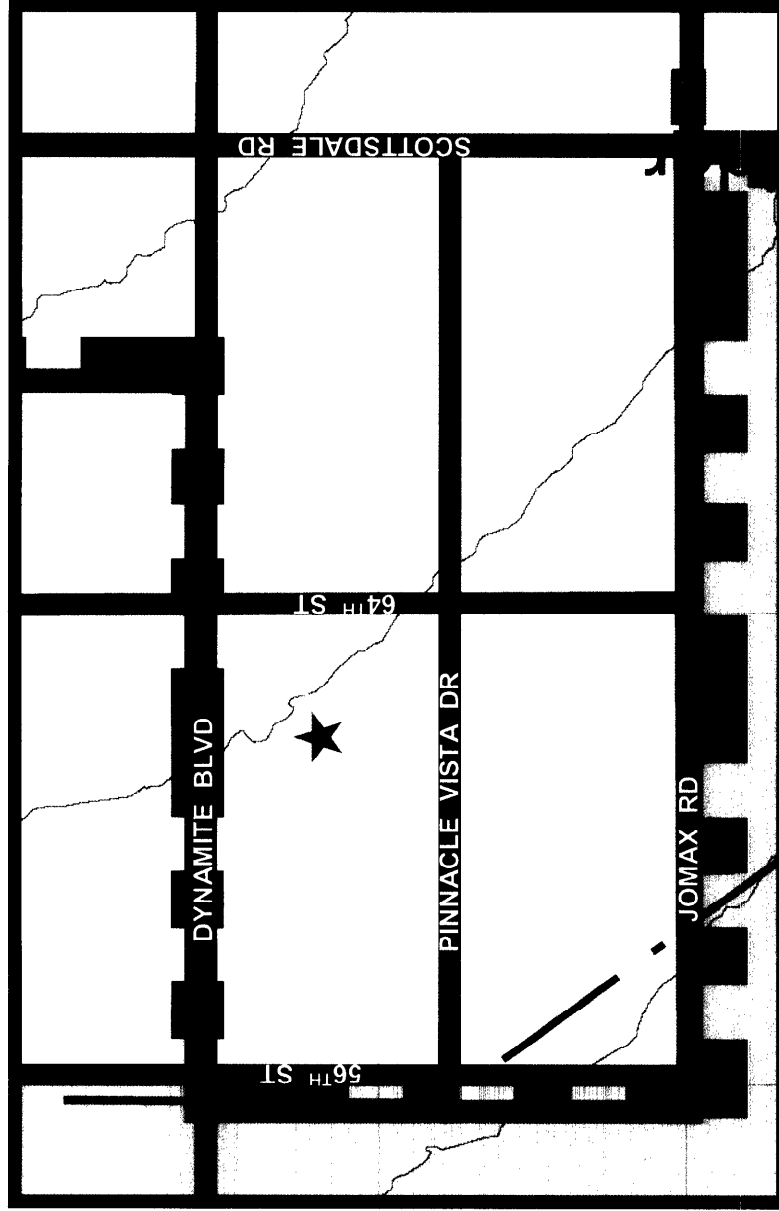


5-HE-2005

Six Residence

ATTACHMENT #3A

General Plan



McDowell Sonoran Preserve (as of 8/2003)

Recommended Study Boundary of the McDowell Sonoran Preserve

City Boundary

Location not yet determined

Adopted by City Council October 30, 2001

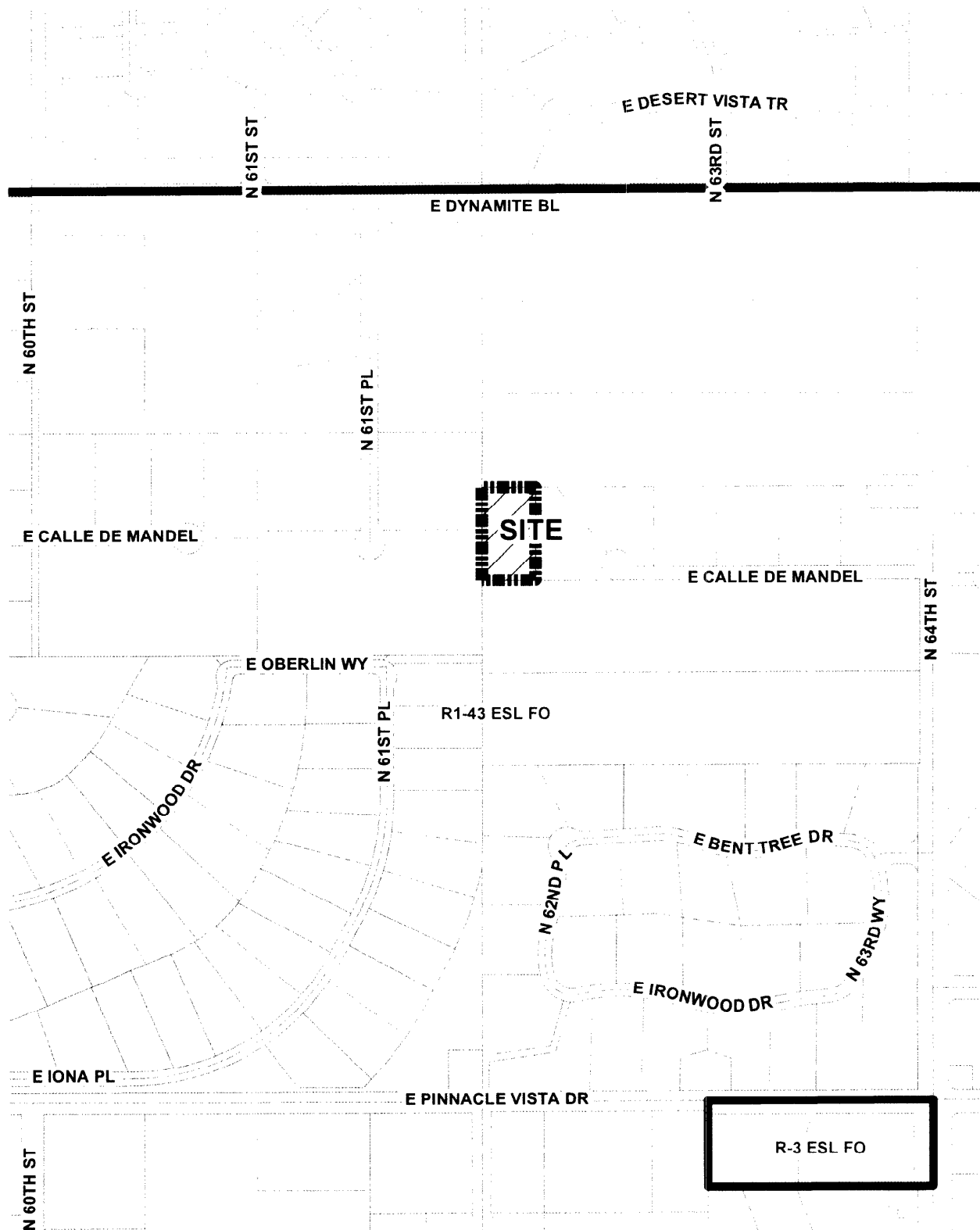
Ratified by Scottsdale voters March 12, 2002

revised to show McDowell Sonoran Preserve as of May 2004

revised to reflect General Plan amendments through June 2004



5-HE-2005
ATTACHMENT #4



5-HE-2005



ESLO Hardship Exemption**6200 E. Calle de Mendel****Neighborhood Involvement Report – July 27, 2005****5-HE-2005**

Submitted by: Beus Gilbert, PLLC
4800 N Scottsdale Rd.
Suite 6000
Scottsdale, AZ 85251

Submitted for: Ron and Melanie Six

The following summarizes our neighborhood involvement:

Contact Name	Method Used	Result
Cave Creek School District	Letter 6-24-05	No response as of 7/27/05
North Ridge Community Church	Letter 6-24-05	No response as of 7/27/05
Rietveld Preserve LLC	Letter 6-24-05	No response as of 7/27/05
Vacro Properties LLC	Letter 6-24-05	No response as of 7/27/05
Tom and Susan Willis	Letter 6-24-05	Previous support letter, undated. No new comments.
Ursula Milagros Rodriguez Trust	Letter 6-24-05	Previous support letter, dated 3/18. No new comments.
Timothy and Kathy Propp	Letter 6-24-05	Returned to Sender
David and Kimberly Anderson	Letter 6-24-05	No response as of 7/27/05

As indicated, prior to the official June 24' 2005 notice, letters of support were obtained from Ms. Ursula Rodriguez as well as Tom and Susan Willis. These letters are attached to this report. As of this date, no issues or concerns have been raised by the surrounding property owners. We will however continue to ensure they are provided with current information as it relates to the application, and if we are notified of any concerns, we will address them at that time.

Attachments:

- June 24, 2005 notification letter with application, narrative, and site plan.
- Parcel Map with 300' radius
- Mailing list
- Support letter from Ursula Rodriguez
- Support letter from Tom and Susan Willis

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, ARIZONA 85251-7630
(480) 429-3000
FAX (480) 429-3100

WRITER'S DIRECT LINE
480-429-3063

86156-0001

24 June 2005

RE: ESLO Exemption for 6200 E. Calle De Mandel

Dear Property Owner:

We are sending you this letter on behalf of our clients and your neighbors, Ron and Melanie Six, as part of our effort to communicate with the surrounding property owners regarding our Environmentally Sensitive Land Ordinance (ESLO) hardship exemption application to the City of Scottsdale.

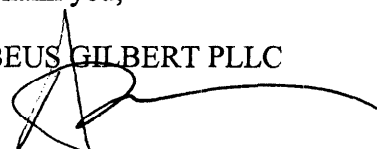
Mr. and Mrs. Six would like to construct a fence on their property line to create a safe environment for their children to play in as well as enclose the pool they propose to install. Due to the current version of Scottsdale's ESL Ordinance however, a 15' setback is required from side and rear property lines for any fence. This setback would place the fence too close to the house on the east side to make a usable side yard, and would severely limit the possible locations for the placement of a pool in their rear yard. In order to be allowed to place a fence in the location desired, a hardship exemption must be approved by the City. I have attached a copy of our application to the City for your reference.

Please be advised that a hearing before the City Council is required for these cases. A specific hearing date has not yet been set. Please confirm the potential meeting details with the City of Scottsdale Planning Department before attending as they are subject to change. You may also make your feelings known on these cases by writing to the Planning Department at 7447 E. Indian School, Scottsdale, Arizona 85251 and referencing the case number 5-HE-2005. Your letter will be made part of the case file.

If you have any questions or comments on our proposed project, please do not hesitate to contact me directly by phone at (480) 429-3063, by fax at (480) 429-3100, or by email at ajochums@beusgilbert.com. If you have no objection to our application, a letter of support would be greatly appreciated.

Thank you,

BEUS GILBERT PLLC



Andy Jochums, AICP
Planning Consultant

Enclosures



ESLO Hardship Exemption

Application Submittal Requirements

Project Description / Exemption Details

Case Numbers: _____ - PA - _____ / 5 - HE - 2005

Project Name: ROW SIX RESIDENCE

Location: 6200 E. CALLE DE MENDEL (DYNAMITE & 64TH)

Property Details:

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial

Use: RESIDENTIAL

Zoning: _____

Number of Buildings: 1

Height: _____

Setbacks: N - 146' S - 60' E - 20' W - 64'

Description of Request:

Project Narrative: DUE TO THE LOCATION OF THE HOUSE, THE NADS EASEMENT, AND AN EXISTING WASH, PLACEMENT OF A POOL & REQUIRED BARRIER IS NEARLY IMPOSSIBLE ON THE PARCEL WHILE COMPLYING WITH THE 2004 ESLO. WE ARE SEEKING A HARDSHIP EXEMPTION FOR THE PLACEMENT OF A POOL AND BARRIER FENCE WITHIN THE REQUIRED 15' SIDE SETBACK.

Relevant section of the ESL Ordinance: SEC. 6.1071-A-4

The ESL Ordinance requires: THAT ALL INDIVIDUAL LOT WALLS BE SETBACK 15' FROM SIDE OR REAR PROPERTY LINES.

Request: TO ALLOW A WALL ON THE EAST SIDE OF THE HOUSE WITH NO LESS THAN A 5' SETBACK.

Amount of variance: 5' TO 10' ON EAST SIDE, NONE ON WEST SIDE AND REAR.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone 480-312-7000 • Fax 480-312-7088

ESLO Hardship Exemption

6200 E. Calle de Mendel

Submitted by: Beus Gilbert, PLLC
4800 N Scottsdale Rd.
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The City Council may authorize an ESLO Hardship Exemption if all the following criteria are met.

1. Demonstrated Substantial Hardship that would reduce the ability to use the parcel(s):

The existing residence on the subject property was permitted and constructed in 2001. The subject parcel is impacted by a small wash running in a northeast to southwest direction in the northern half of the parcel. With this unique constraint on the property, the land on the north side of the wash was designated as NAOS. While only the required 25% of the parcel size was designated NAOS, a larger area of land exists north of the wash and has been preserved in a manner similar to that in the NAOS. In order to locate the residence the furthest away from the NAOS and the wash, it was placed at the minimum required 20' side setback of the eastern property line. At the time the home was constructed, there was no setback requirement for walls and although one could have been built on the property line, no walls or fences were installed at that time. Currently, the property owners would like to construct a pool in their back yard. As you can see with the included site plan exhibit, with the placement of the residence, the location of the wash, and the setback requirements, there remains only approximately 2,100 square feet of usable back yard space on the one acre parcel to place a pool and its associated improvements. With this in mind, the best location for a pool would be on the eastern side of the back yard, near the eastern property line. Current Scottsdale code allows for a 2' foot side setback for a pool, however pursuant to the adopted building code, a barrier fence/wall is also required. The 2004 ESL Ordinance's requirement that a wall not be placed within 15' of a side property line would essentially preclude the property owner from placing a pool and a solid privacy/barrier wall, within 15' of the eastern edge of their property. This would force the property owner to place the pool in the middle of the their backyard.

The property owner could re-allocate their NAOS into the required 15' side setbacks, which equals approximately 3,500 square feet. While this would theoretically free up land area for the pool in the back yard, this area would be located in or directly adjacent to the wash, where a pool could not reasonably be placed. Given the topography of the parcel, the NAOS is provided where it serves the greatest purpose and should remain there. Strict enforcement of the 15' setback requirement in the current 2004 ESL Ordinance would essentially require nearly 33% of the site to be preserved, as open space.

As the house was sited prior to the 2004 edition of the ESL Ordinance, and given the current terrain constraints on the subject property, the restrictions in the current version of the ESL Ordinance would appear to unduly restrict the owners from using their

property, and penalize them for providing a NAOS easement in the most logical and beneficial location.

2. The requested exemption is consistent with the intent and purpose of the ESL Ordinance:

The 2004 ESL Ordinance includes twelve paragraphs which list out the purpose of that Ordinance, but generally the intent is to identify and protect environmentally sensitive lands. In lieu of asking for a complete hardship exemption, from not being able to place walls within 15' of a side property line, the property owners are asking for a reduction of that requirement on the east side of the property only. The west side and rear walls, will be placed 15' or farther away from the property lines in accordance with the 2004 ESL Ordinance. On the eastern side of the property, the owner is proposing a wall that will step back from a 5' setback to the full 15' setback at its northern most point. This will allow the property owners to enclose their yard and comply with the swimming pool barrier requirements while still being consistent with the intent and purpose of the ESL Ordinance, contained within those 12 paragraphs located in section 6.1011.

3. The application of the new ESLO standards does not achieve significant benefit for protection of the environment and community:

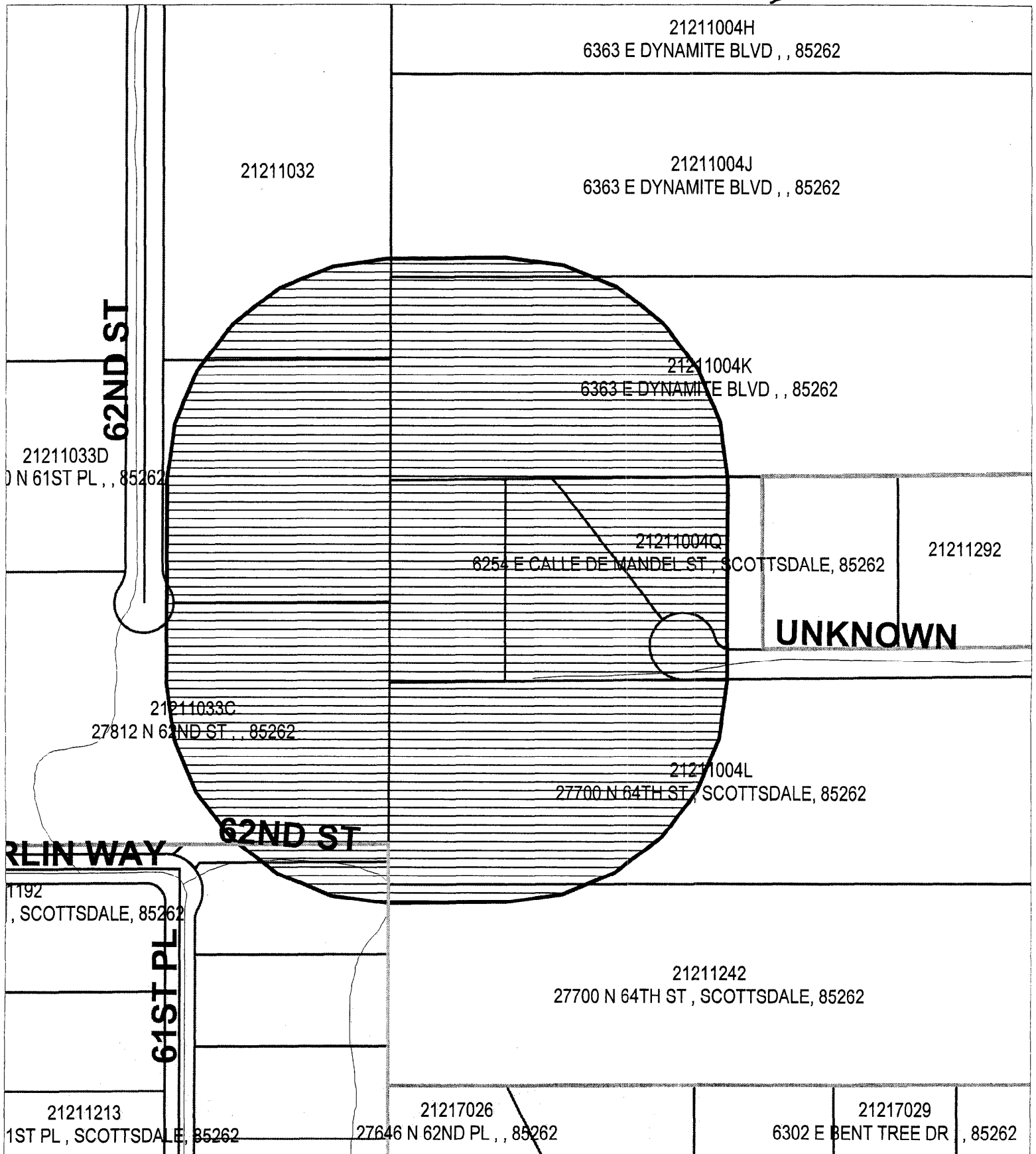
Currently the subject parcel has a 10,750 square foot NAOS on the northwest portion of the site. This NAOS links to large NAOS tracts on the adjacent parcels to the west and southwest. The eastern edge of the subject property, which is the subject of this request for a hardship exemption, has previously been heavily disturbed and is not in a natural state. If strict compliance with the 2004 ESL Ordinance is adhered to, it will create a 15' wide no-mans-land, which would not be a significant natural and visual resource worth preserving and would not assist in retaining the visual character of the natural landscape. These two goals of the ESL Ordinance, as well as the goal to maintain open spaces and view corridors, is being accomplished in a more effective situation, on the west side of the subject property, with the existing large NAOS easements both on and off the subject parcel. The property owner does not wish to receive a hardship exemption on this west side of their property, so the full 15' setback requirements will be adhered to within these areas in full support of the goals and purpose of the ESL Ordinance. Retaining a 15' setback on the eastern property line, to preserve a corridor showcasing disturbed land would not appear to be a significant benefit to the community and environment.

4. The requested exemption is in conformance with a previously adopted version of the ESL Ordinance:

If this exemption were to be approved, the property would still be in conformance with the 2003 version of the ESL Ordinance. In fact the property owner is proposing a compromise that will place the property in full compliance with the current ESL, on all areas of the property with the exception of the eastern property line, which as stated, would be in compliance with the previously adopted version.

County Parcels

300'





NORTH RIDGE COMMUNITY CHURCH
3227 E BELL RD STE 220
PHOENIX, AZ 85032 USA
Parcel: 212-11-004-K

LOCKE DANIEL E/DARLENE
6200 E CALLE DE MANDEL
SCOTTSDALE, AZ 85268 USA
Parcel: 212-11-004-X *APPLICANT'S PARCEL*

ANDERSON DAVID E JR/KIMBERLY
4611 E VIA DONA
CAVE CREEK, AZ 85331 USA
Parcel: 212-11-004-Y

URSULA MILAGROS RODRIGUEZ TRUST
6254 E CALLE DE MANDEL
SCOTTSDALE, AZ 852628717 USA
Parcel: 212-11-004-Q

RIETVELD PRESERVE LLC
27002 N 64TH ST
CAVE CREEK, AZ 85331 USA
Parcel: 212-11-235

WILLIS TOM A/SUSAN M TR
27975 N 61ST PL
SCOTTSDALE, AZ 85262 USA
Parcel: 212-11-033-B

WILLIS TOM A/SUSAN M TR
27975 N 61ST PL
SCOTTSDALE, AZ 85262 USA
Parcel: 212-11-033-C

CAVE CREEK UNIFIED SCHOOL DIST #93
PO BOX 426
CAVE CREEK, AZ 85331 USA
Parcel: 212-11-242

NORTH RIDGE COMMUNITY CHURCH
6363 E DYNAMITE RD
SCOTTSDALE, AZ 85262 USA
Parcel: 212-11-032

PROPP TIMOTHY A/KATHY A
27781 N 61ST PL
CAVE CREEK, AZ 85331 USA
Parcel: 212-11-216

VACRO PROPERTIES LLC
13832 N 32ND ST STE D-5
PHOENIX, AZ 85032 USA
Parcel: 212-11-004-S

CAVE CREEK UNIFIED SCHOOL DIST #93
PO BOX 426
CAVE CREEK, AZ 85331 USA
Parcel: 212-11-004-L

NORTH RIDGE COMMUNITY CHURCH
3227 E BELL RD STE 220
PHOENIX, AZ 85032 USA
Parcel: 212-11-004-J

March 18, 2005

To Whom It May Concern:

I live at 6254 E. Calle de Mandel,
Scottsdale, AZ 85262. I am a
neighbor to Ron & Melanie Six
at 6200 E. Calle de Mandel.
I do NOT oppose my neighbor
building a fence around
their property.

If you have any questions,
please feel free to call me at
home at 480-585-8000.

Usula Rodriguez

City of Scottsdale

To whom it may concern,

I am writing this letter in response to my neighbor's letter, Mr. Ron Six 6200 E. Calle De Mandel, Scottsdale, Az. 85262, regarding his intent to construct a fence enclosing his backyard.

Our property borders Mr. Six's on his west property line (27975 N. 61st Pl. and 27812 N. 62nd St. Scottsdale Az. 85262) The construction poses no problem as far as I am concerned, as long as it matches and is painted to enhance the existing residence.

As an aside I find the ESL overlay mentioned in Mr. Six's letter to be one of the most arbitrary and capricious regulations foisted on those of us living here and owning land, given the existing 25% NAOS requirement. Someone should take heed of the signs posted along Pima Road regarding Mr. Bob Vario . North Scottsdale is not nor should it be a land bank for the wealthy!

Respectfully,

Tom And Susan Willis
27975 N. 61st Pl.
Scottsdale AZ. 85262

March 18, 2005

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5-HE-2005
6/14/2005

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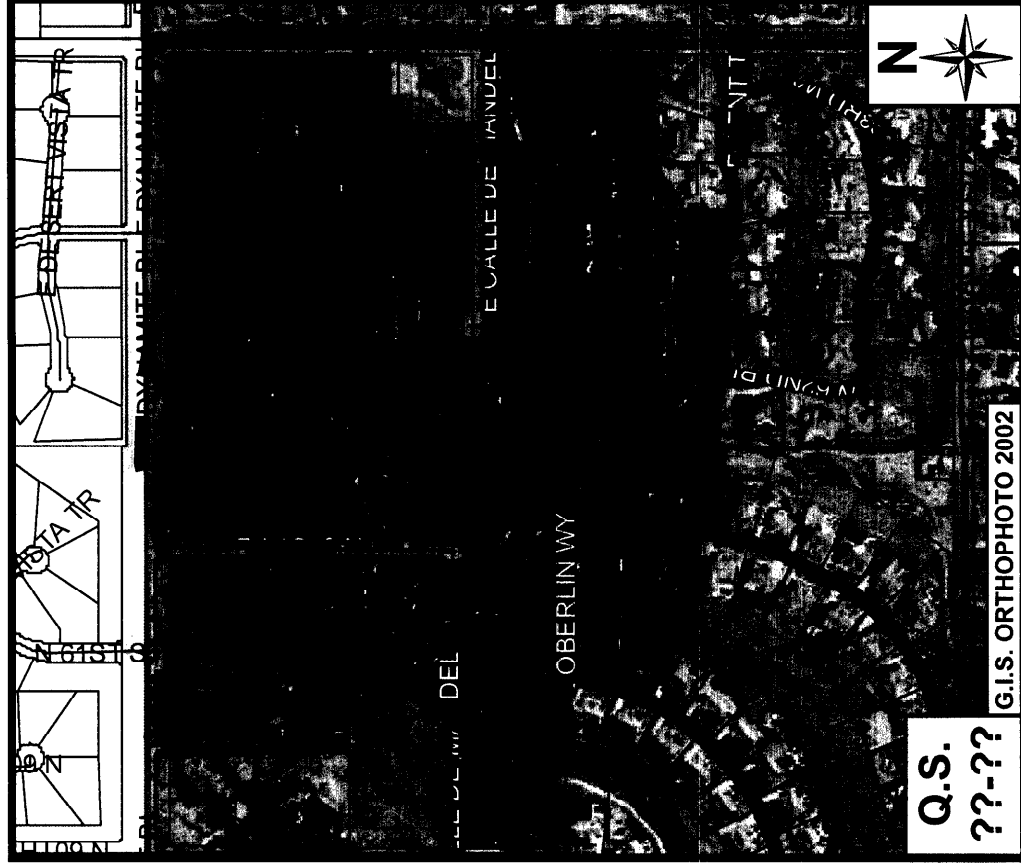
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Respectfully,

Tom And Susan Willis
27975 N. 61st Pl.
Scottsdale AZ. 85262

5-HE-2005
6/14/2005

City Notifications – Mailing List Selection Map



Map Legend:

 Site Boundary

 Properties within 750-foot

Additional Notifications:

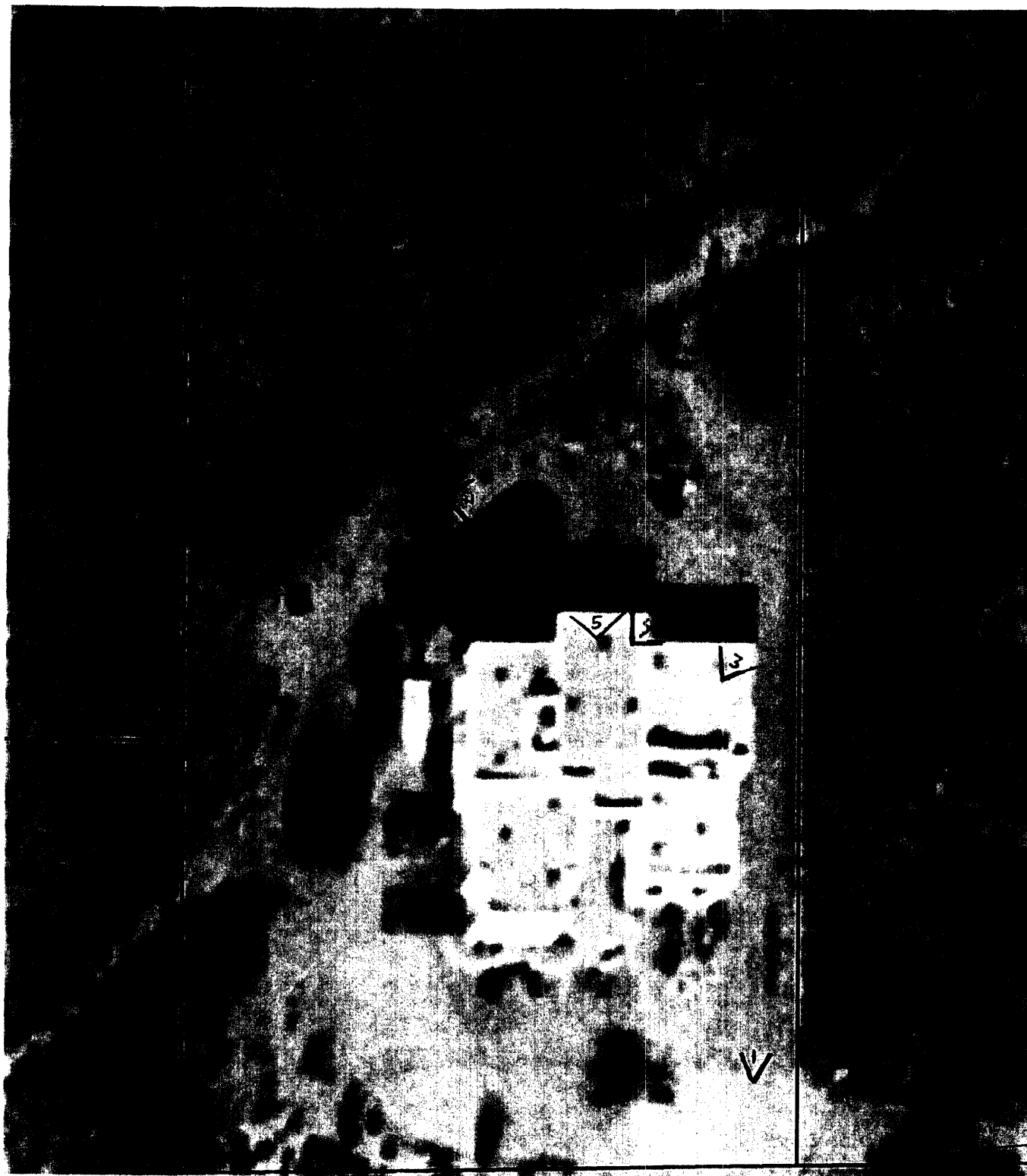
- Interested Parties List
- Adjacent HOA

Six Residence

5-HE-2005

ATTACHMENT #7

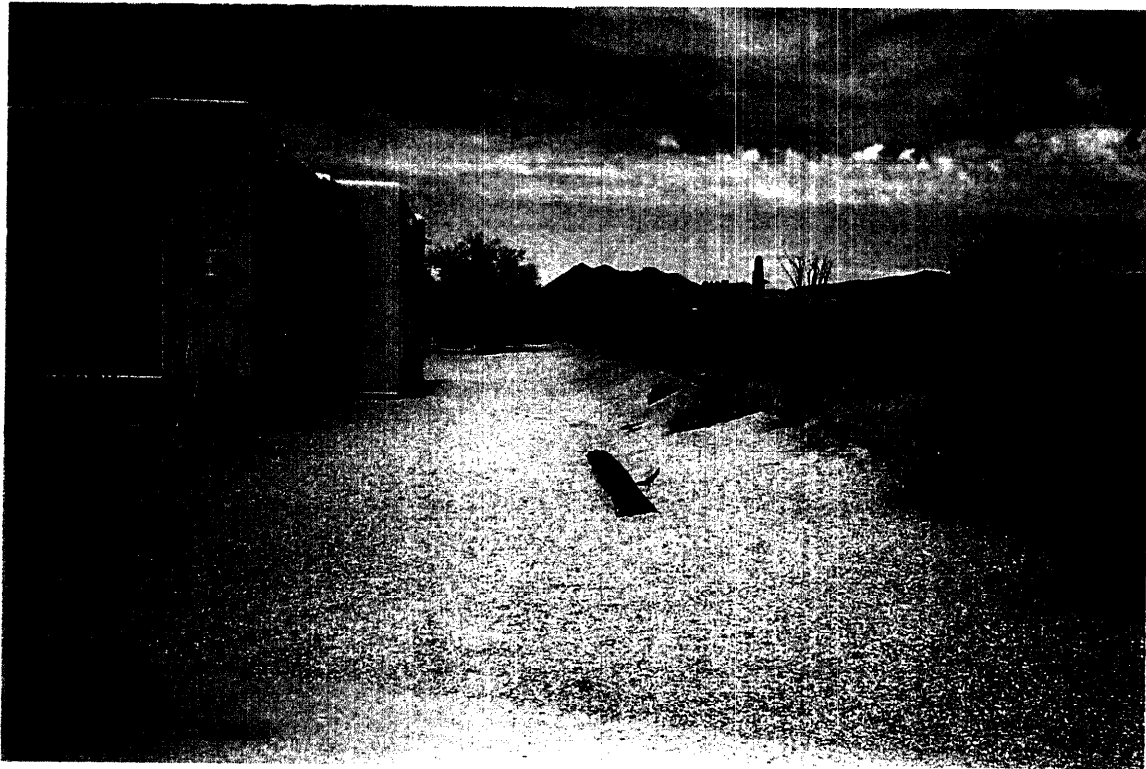
Photo Legend



ATTACHMENT #8

5-HE-2005
6/14/2005



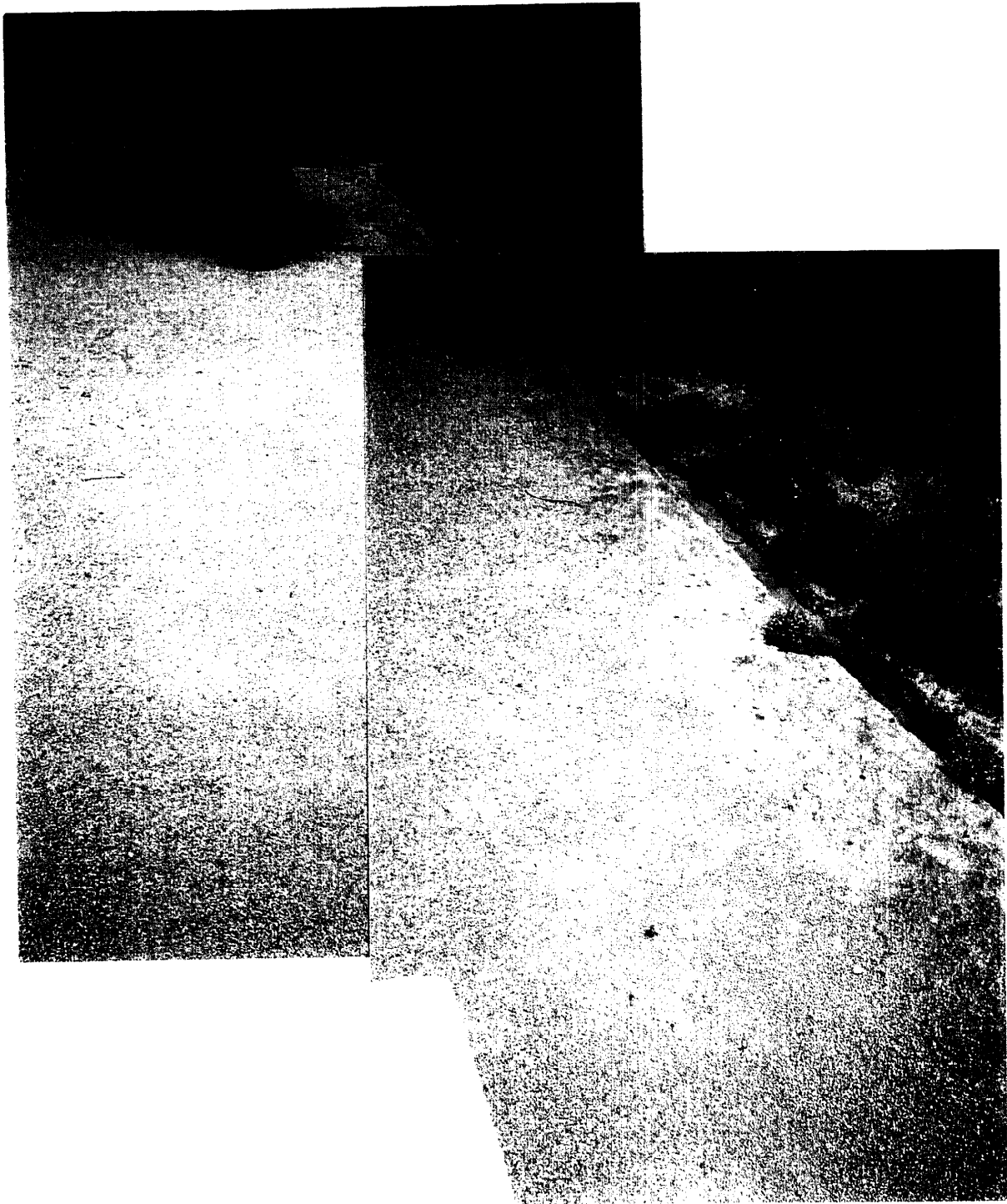


#1



#2

5-HE-2005
6/14/2005



#3

5-HE-2005
6/14/2005



#4

5-HE-2005
6/14/2005



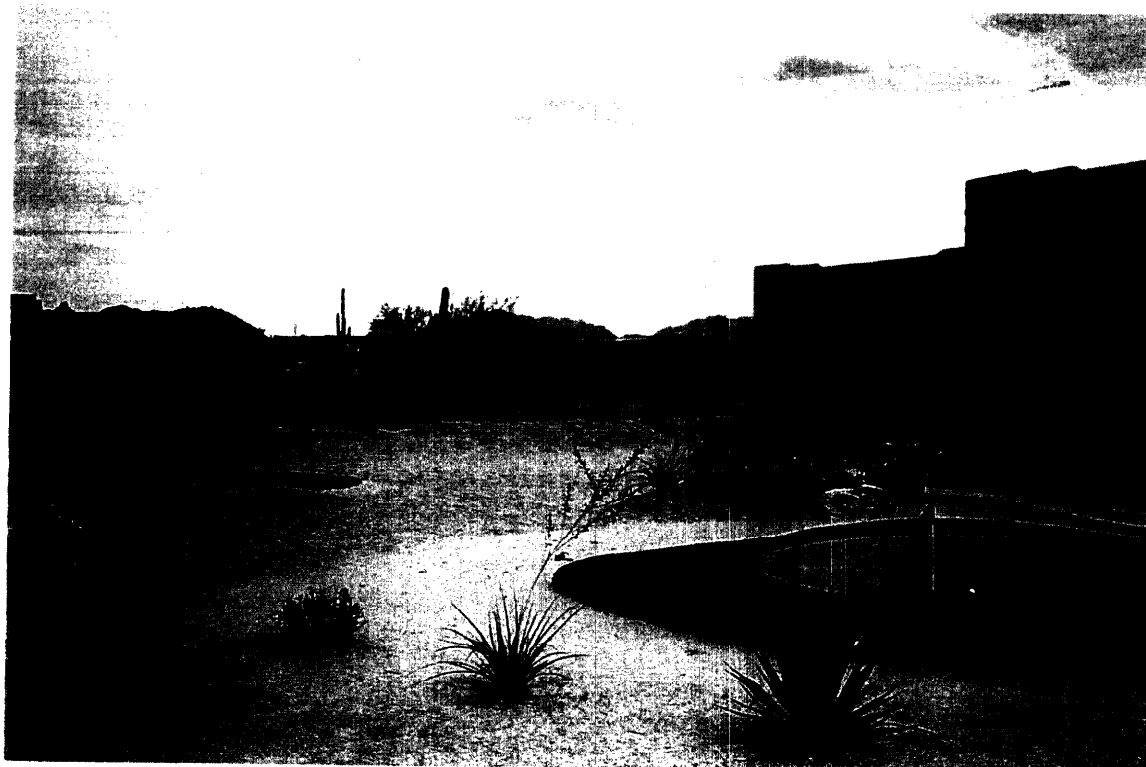
#5

5-HE-2005
6/14/2005



#6

5-HE-2005
6/14/2005

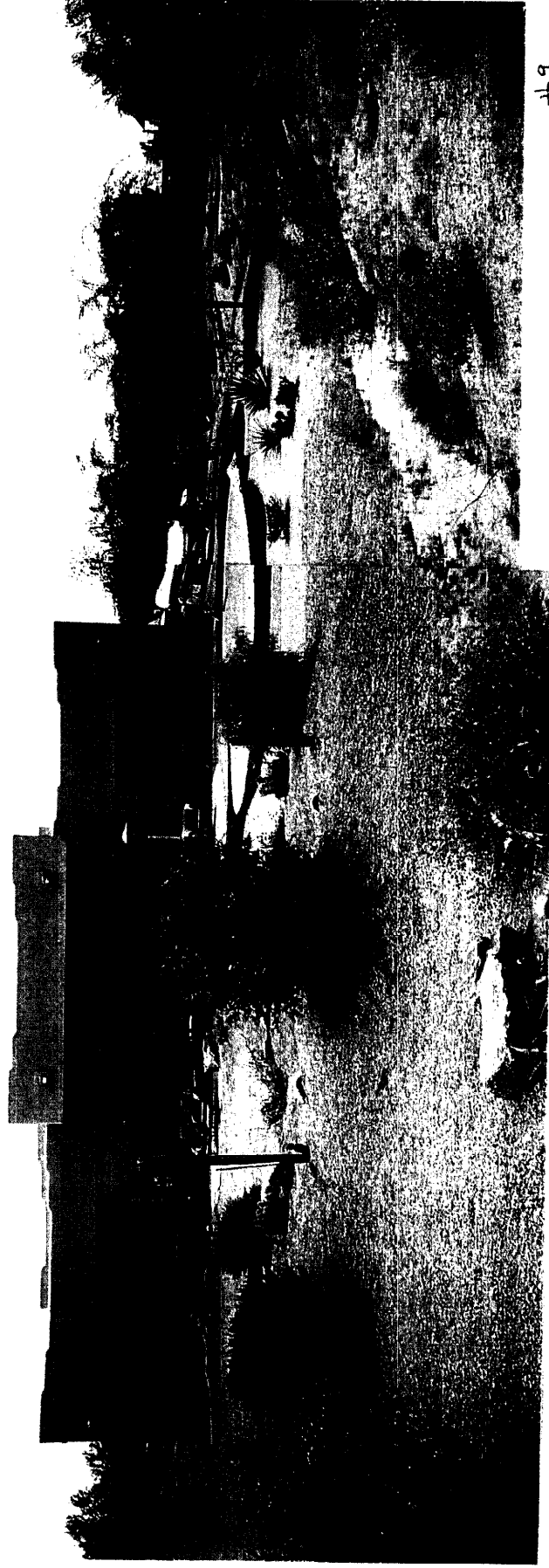


#7



#8

5-HE-2005
6/14/2005



#9

5-HE-2005
6/14/2005

